

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

SEBASTIAN ARIAS,
Defendant.

: CONSENT PRELIMINARY ORDER
OF FORFEITURE/
MONEY JUDGMENT
: 21 Cr. 698 (JPC)

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WHEREAS, on or about November 15, 2021, SEBASTIAN ARIAS (the "Defendant"), was charged in a two-count Information, 21 Cr. 698 (JPC) (the "Information"), with conspiracy to commit bank fraud, in violation of Title 18, United States Code, Section 1349 (Count One); and conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count Two);

WHEREAS, the Information included a forfeiture allegation as to Counts One and Two of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1) and (a)(2)(A), and Title 28, United States Code, Section 2461, of any property constituting, or derived from, proceeds the Defendant obtained directly or indirectly as a result of the offense charged in Count One of the Information, as well as any property, real or personal, involved in the offense charged in Count Two of the Information, or any property traceable to such property;

WHEREAS, on or about November 15, 2021, the Defendant pled guilty to Counts One and Two of the Information, pursuant to an agreement with the Government, wherein the Defendant admitted the forfeiture allegations with respect to Counts One and Two of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1) and (a)(2)(A), any property constituting, or derived from, proceeds the

Defendant obtained directly or indirectly as a result of the offense charged in Count One of the Information, and any property, real or personal, involved in the offense charged in Count Two of the Information, or any property traceable to such property;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$35,266 in United States currency, representing the amount of property involved in the offense charged in Count Two of the Information; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds the Defendant obtained as a result of the offense charged in Count One of the Information, and the property involved in the offense charged in Count Two of the Information cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Patrick R. Moroney, of counsel, and the Defendant and his counsel, John T. Zach, Esq., that:

1. As a result of the offenses charged in Counts One and Two of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$35,266 in United States currency (the “Money Judgment”), representing the amount of property involved in the offense charged in Count Two of the Information, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant SEBASTIAN ARIAS, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to United States Customs and Border Protection, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Illicit Finance and Money Laundering Unit, 26 Federal Plaza, 38th Floor, New York, New York 10278 and shall indicate the Defendant's name and case number.

4. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, United States Customs and Border Protection, or its designee the Office of Fines, Penalties, and Forfeiture shall be authorized to deposit the payment on the Money Judgment into the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:

Patrick R. Moroney

PATRICK R. MORONEY
Assistant United States Attorney
26 Federal Plaza, 37th Floor
New York, NY 10278
(212) 637-2330

10/28/24

DATE

SEBASTIAN ARIAS

By:

Sebastian Arias

10/28/24

DATE

By:

John T. Zach

JOHN T. ZACH, ESQ.
Attorney for Defendant
55 Hudson Yards, 20th Floor
New York, NY 10001

10/28/24

DATE

SO ORDERED:

John P. Cronan
HONORABLE JOHN P. CRONAN
UNITED STATES DISTRICT JUDGE

10/28/24

DATE